THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3234 of 2007

Dated:09.04.2007

Between:
Kush Naseeb Khan.

… Petitioner

AND

Mandal Revenue Officer and another.

… Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.3234 of 2007

ORDER:

The petitioner alleges that he purchased an extent of Acs.8.23 guntas of land in Survey No.24 situated at Pocharam Village of Sangareddy Taluq in Medak District, from Smt.Sherifa Begum under registered sale deed dated 16.10.1985. After obtaining necessary mutation in the revenue records, the petitioner was allegedly cultivating the land. In 1987, the Mandal Revenue Officer issued proceedings proposing to take possession of the land in Survey Nos.24/1 to 24/8 admeasuring Acs.11.04 guntas on the ground that it is an assigned land, and the alienation is made in contravention of the provisions of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (for short 'the Act'). The petitioner submitted a reply. The first respondent then issued proceedings bearing No.C/1608/1987 dated 21.04.1988 observing that the petitioner failed to submit proper explanation. Whatever be the case, the orders were passed by the Mandal Revenue Officer to resume the land. The petitioner then preferred an appeal before the District Collector, who by proceedings dated 22.07.1988 set aside the orders of the Mandal Revenue Officer. Later, no action was taken, and the petitioner sold the property admeasuring Acs.4.08 guntas to Smt.Ekadasi Devi and Smt.Vikram Devi under registered sale deeds. The petitioner still had Acs.4.15 guntas. Thereafter, when there was a threat of dispossession by some persons, the petitioner filed an application on 06.02.2006 before the first respondent seeking a direction not to interfere with his possession, in vain. The petitioner then filed W.P.No.4085 of 2006 before this Court. By an order dated 03.03.2006, the said Writ Petition was disposed of by this Court observing that if there is any

illegal transfer by landless poor, it is always open to the respondents to initiate necessary action in accordance with law. Thereafter, the petitioner made a representation on 11.12.2006 to the second respondent requesting necessary instructions to the first respondent not to dispossess him. Alleging that the said representation was not disposed of and there is a threat of dispossession by the first respondent, the petitioner filed the instant Writ Petition. The main relief sought in the Writ Petition is a direction to the second respondent to dispose of the representation dated 11.12.2006. Though unrelated to the main relief, an incidental relief is also sought to the respondents not to interfere with the alleged possession of the petitioner.

The matter is coming up since February 2007 as the learned Assistant Government Pleader sought time for getting instructions. Indeed, on 23.02.2007 itself, the learned Assistant Government Pleader brought to the notice of this Court that orders of resumption were passed under the Act and the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 1977. He, however, informed that the matter is still pending before the second respondent. Today, the learned Assistant Government Pleader produced before this Court a Memo bearing No.C1/539/2007, dated 17.02.2007, issued by the second respondent, whereby the second respondent disposed of the representation dated 11.12.2006. In the said order, the second respondent noticed that the order of the District Collector dated 22.07.1988 whereby and whereunder the orders of resumption by the Mandal Revenue Officer was set aside, was the subject matter of the proceedings before the Government of Andhra Pradesh, and that the Government of Andhra Pradesh by Memo bearing No.40484/Assn.V(I)/94-7, dated 20.02.1999, set aside the orders of the District Collector, as a result of which, the Mandal Revenue Officer took possession of the land to the custody of the Government.

The petitioner's contention in support of his case is that the resumption order of the Mandal Revenue Officer was set aside by the District Collector. Now that it has come to light that the District Collector's order itself was set aside by the Government, the petitioner cannot have any right, especially, when the possession was already taken.

The Writ Petition is misconceived, and is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

09.04.2007
vs